Amendments to the Drawings:

New drawings for Figs. 1A and 1B are submitted in the accompanying sheets of drawings.

Remarks

Reconsideration of the present application, as amended, is respectfully requested.

The drawings, specifically Figs. 1A and 1B, were objected to because they fail to show the names of the components as described in the specification. The applicants are uncertain as to what the Examiner intended with his objection. Cited 37 CFR1.83(a) and MPEP§608.02(d) require that the applicants' drawings show the details of the applicants' invention. However, the applicants do not understand how that requirement requires the naming of components of Figs. 1A and 1B which are already described in the specification. In fact, the applicants point out the lack of names in Fig. 2 in U.S. Patent No. 7,020,814 which the Examiner cited below. Nonetheless, to expedite the prosecution of the application, Figs. 1A and 1B are amended in accordance with the Examiner's requirement as understood by the applicants. All drawings and descriptions are now consistent.

In responding to the Examiner's comments on the drawings, the applicants noted some typographical errors in the specification and have accordingly amended the specification.

Of previously pending claims 1-24, all were rejected. Claims 1-11, 14-22, 25-33, and 36 were rejected and claims 13, 24, 34, and 35 were objected to. Specifically, claims 1, 9, and 17 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 14 of U.S. Patent No. 7,020,814, which issued March 28, 2006 to Ryle *et al.* (herein after "Ryle"). The applicants respectfully request that the Examiner reconsider his double patenting rejection. Purportedly, claims 1 and 17 of the '814 patent and present pending claims 1, 9 and 17 commonly claim: 1) "detecting a failure of a Fibre Channel link from the local Fibre Channel port to an associated local Fibre Channel transport interface;" and 2) "generating error condition codes; and transmitting error condition codes over the SONET/SDH transport path overhead to a [the] remote Fibre Channel transport interface so that the Fibre Channel link from the remote Fibre Channel transport interface to the associated remote Fibre Channel port is disabled after a predetermined amount of time."

A cursory review of presently pending claim 1, for example, shows that the quoted language above is not found in applicants' presently pending claims. Pending claim 1 has the

steps of: "detecting an interruption in said SONET/SDH transport network responsive to a GFP loss of synchronization;" and "transmitting Ordered Sets indicative of non-operation from said first transport interface to said first Fibre Channel port so that said first Fibre Channel port performs link initialization and buffer credit recovery procedures with said second Fibre Channel port." Thus an interruption is detected in the SONET/SDH transport network, not in the "link from the local Fibre Channel port to an associated local Fibre Channel transport interface." And, the Ordered sets indicative of the SONET/SDH network non-operation are transmitted to the Fibre Channel port from its corresponding transport interface, not from one Fibre Channel transport interface over the SONET/SDH transport path to the remote Fibre Channel transport interface. The claims of the '814 patent and the present claims are not related and are certainly not obvious in light of each other. The double patenting rejection should be withdrawn.

Claims 1-2, 4-6, 9, 11-14, 17, and 19-22 were rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent Publication No. 2003/0074449, which published April 17, 2003 to R. Smith *et al.* (herein after "Smith") and in view of U.S. Patent Publication No. 2004/0114924, which published June 17, 2004 to M. Holness *et al.* (herein after "Holness"). Claims 3, 10, and 18 were rejected under 35 U.S.C. §103(a) as being obvious over Smith, in view of Holness, and further in view of U.S. Patent No. 7,298,694, which issued November 2007 to Kamiya *et al.* (herein after "Kamiya"). Claims 7-8, 15-16, and 23-24 were rejected under 35 U.S.C. §103(a) as being obvious over Smith, in view of Holness, and further in view of U.S. Patent Publication No. 2003/0074449, which published March 2005 to Phelps *et al.* (herein after "Phelps").

The applicants disagree and address the rejections with respect to independent claims 1, 9 and 17. Claim 1, for example, calls for:

> A method for efficient link recovery between first and second Fibre Channel ports communicating by the transport of GFP-encapsulated Fibre Channel client data frames across a SONET/SDH transport network, said first Fibre Channel port connected to said SONET/SDH transport network through a first transport interface and said second Fibre Channel port connected to said SONET/SDH transport network through a second transport, the method comprising:
>
> detecting an interruption in said SONET/SDH transport network responsive to a GFP loss of synchronization; and
>
> transmitting Ordered Sets indicative of non-operation from said first transport interface to said first Fibre Channel port so that said first Fibre Channel

port performs link initialization and buffer credit recovery procedures with said second Fibre Channel port.

As the applicants understand the reasoning of his rejection, the Examiner cites paragraph 0123 of Smith as teaching the applicants' "transmitting Ordered Sets…." However, paragraph 0123 merely discusses Fibre Channel line encoding, including ordered sets, as part of "a detailed overview of Fibre Channel" (paragraph 0115). The applicants do not claim to have invented Fibre Channel ordered sets. Rather, the applicants have invented a technique for efficient link recovery between first and second Fibre Channel ports communicating by the transport of GFP-encapsulated Fibre Channel client data frames across a SONET/SDH transport network.

The applicants find no teaching of "transmitting Ordered Sets…from said first transport face to said first Fibre Channel port…," as called for in claim 1 in cited paragraph 0123. Nor do paragraphs 0123 and 94 teach, "transmitting Ordered Sets indicative of non-operation… so that said first Fibre Channel port performs link initialization and buffer credit recovery procedures with said second Fibre Channel port." As the Examiner notes, paragraph 94 describes the use of Fibre Channel buffer credit link flow control mechanism, not what the claim 1 recites. Furthermore, the Examiner appears to have confused "non-operation," with "inactivity." While "inactivity" might refer to the non-use of an operating link by clients, "non-operation" refers to an interruption of the SONET/SDH transport network between the first and second transport interfaces, as recited in claim 1. The two things are different.

Therefore, for at least these reasons, independent claim 1 is not obvious over the cited references and should be allowed. Independent claims 9 and 17 have similar language as claim 1 and should likewise be allowable.

With respect to the balance of the pending claims, claims 2-8, 10-16 and 18-24 are dependent upon claims 1, 9 and 17 respectively, and should be allowable over the cited prior art for at least being dependent upon an allowable base claim.

Therefore, in view of the amendments above and the remarks directed thereto, the applicants request that all rejections be removed, that claims 1-24 be allowed, and the case be passed to issue. If a telephone conference would in any way expedite the prosecution of this case, the Examiner is asked to call the undersigned at (408) 868-4088.

Respectfully submitted,

Aka Chan LLP

/Gary T. Aka/

Gary T. Aka
Reg. No. 29,038

Aka Chan LLP
900 Lafayette Street, Suite 710
Santa Clara, CA 95050
Tel: (408) 868-4088
Fax: (408) 608-1599
E-mail: gary@akachanlaw.com